

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

FIFTEENTH AVENUE CHURCH OF CHRIST,)	CIVIL ACTION NO.
)	
)	
Plaintiff,)	
)	
v.)	
)	
)	
GUIDEONE ELITE INSURANCE COMPANY,)	
)	
)	
Defendant.)	

NOTICE OF REMOVAL

GuideOne Elite Insurance Company (“GuideOne”) files its Notice of Removal of this dispute to the United States District Court for the Middle District of Tennessee, and respectfully shows that:

I. PENDING STATE COURT SUIT

1. On August 5, 2016, Plaintiff, Fifteenth Avenue Church of Christ, filed a civil action naming GuideOne as a defendant in the matter entitled, “*Fifteenth Avenue Church of Christ v. GuideOne Elite Insurance Company*,” docket no. 16C2093, in the Circuit Court for Davidson County, Tennessee. Service was made on GuideOne through the Tennessee Secretary of State on August 24, 2016. In

accordance with 28 U.S.C. §1446(a), a certified copy of the state court record is attached as Exhibit “A.”

2. The lawsuit is a civil action in which plaintiff contends that GuideOne is liable for breach of contract and that GuideOne acted in bad faith by failing to pay for damage to Plaintiff’s property.

3. The name and address of the Court from which this case is being removed is:

Circuit Court of Davidson County
1 Public Square
Nashville, Tennessee 37219-6303

II. TIMING OF REMOVAL

4. GuideOne was served with Plaintiff’s Complaint on August 24, 2016. This Notice of Removal is filed within 30 days of service of the lawsuit upon GuideOne and, as such, is timely filed in accordance with 28 U.S.C. §1446(b).

III. JURISDICTION

5. This case is removable to this Court pursuant to 28 U.S.C. § 1441 as a civil action brought in state court but over which this federal district court has original jurisdiction under 28 U.S.C. §1332(a).

Plaintiff is a citizen of the State of Tennessee. GuideOne is an Iowa corporation with its principal place of business in Iowa. Thus, complete diversity exists between all parties.

The amount in controversy satisfies the minimum jurisdictional limit. The plaintiff is seeking \$3,000,000 in compensatory damages plus an amount not to exceed 25% of the recovery as a statutory bad faith penalty.

IV. VENUE

6. Under 28 U.S.C. § 1441(a), venue is proper in this Court as the Circuit Court of Davidson County, where the state action is pending, is located within this District.

V. ANSWER

7. No answer has been filed by GuideOne in the state court proceeding.

VI. NOTICE TO ADVERSE PARTIES AND TO STATE COURT

8. As a removing party, GuideOne will give Plaintiff prompt written notice of this Notice of Removal as required by 28 U.S.C. §1446(d).

9. GuideOne has this date filed this Notice of Removal with the Clerk of the Circuit Court of Davidson County, where the state court action is currently pending, as required by 28 U.S.C. §1446(d).

Wherefore, GuideOne Elite Insurance Company respectfully requests that this Court take jurisdiction in this civil action to the exclusion of any further proceedings in the state court.

[SIGNATURE ON FOLLOWING PAGE]

DATED: September 21, 2016.

By: s/ Michelle Guthrie Whitelaw
MICHELLE GUTHRIE WHITELOW
Attorney for Defendant GuideOne
BPR# 26139
P.O. Box 14503
Des Moines, IA 50306-3503
Telephone: 256-831-2694

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2016, a copy of the foregoing was filed electronically and that I have this day served counsel for the opposing party with a copy of the NOTICE OF REMOVAL by depositing a copy of same in the United States Mail, postage prepaid, as follows:

Thomas W. Thompson,
Smith, Kling & Thompson, P.A.,
4725 North Lois Avenue
Tampa, Florida 33614-7046
thompson@smithkling.com

By: s/ Michelle Guthrie Whitelaw
MICHELLE GUTHRIE WHITELOW